

Introduced by Senator Ducheny

February 22, 2005

An act to amend Section 47612 of, and to add and repeal Section 47612.2 of, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 741, as amended, Ducheny. Charter schools: average daily attendance.

Existing law provides that, to remain eligible for generating charter school apportionments, a pupil over 19 years of age must be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma.

This bill would, until July 1, 2009, provide that pupils over 20 years of age are eligible to generate apportionments for charter schools that meet certain criteria, with certain exceptions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 47612 of the Education Code is
- 2 amended to read:
- 3 47612. (a) A charter school shall be deemed to be under the
- 4 exclusive control of the officers of the public schools for
- 5 purposes of Section 8 of Article IX of the California
- 6 Constitution, with regard to the appropriation of public moneys
- 7 to be apportioned to any charter school, including, but not limited
- 8 to, appropriations made for the purposes of this chapter.

1 (b) (1) The average daily attendance in a charter school may
2 not, in any event, be generated by a pupil who is not a California
3 resident.

4 (2) Except as provided in Section 47612.2, in order to remain
5 eligible for generating charter school apportionments, a pupil
6 over 19 years of age shall be continuously enrolled in public
7 school and make satisfactory progress towards award of a high
8 school diploma. The State Board of Education shall, on or before
9 January 1, 2000, adopt regulations defining “satisfactory
10 progress.”

11 (c) A charter school shall be deemed to be a “school district”
12 for purposes of Article 1 (commencing with Section 14000) of
13 Chapter 1 of Part 9, Section 41301, Section 41302.5, Article 10
14 (commencing with Section 41850) of Chapter 5 of Part 24,
15 Section 47638, and Sections 8 and 8.5 of Article XVI of the
16 California Constitution.

17 SEC. 2. Section 47612.2 is added to the Education Code, to
18 read:

19 47612.2. (a) Notwithstanding *paragraph (2) of* subdivision
20 (b) of Section 47612, and subject to subdivision (b), a pupil who
21 is at least 20 years of age shall be eligible to generate
22 apportionments for a charter school approved by the State Board
23 of Education, or a charter school that meets all of the following
24 criteria:

25 (1) The charter school is in compliance with Sections 47612.5,
26 47614.5, and 47634.2, and no exceptions exist to an audit
27 performed pursuant to Section 41020.

28 (2) The charter school meets the quality assurance standards
29 of, and has been accredited by, the Western Association of
30 Schools and Colleges, or the charter school has, at a minimum,
31 achieved candidacy status for accreditation by that entity.

32 (3) The charter school has demonstrated prior experience in
33 successfully educating adult-aged pupils.

34 (b) A total of 2,500 pupils statewide are eligible to generate
35 apportionments pursuant to this section. This number shall be
36 annually increased by 2.5 percent.

37 (c) This section shall not affect apportionments generated
38 pursuant to subdivision (b) of Section 47612 or Section 47612.1.

39 (d) This section shall become inoperative on July 1, 2009, and,
40 as of January 1, 2010, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2010, deletes or
2 extends the dates on which it becomes inoperative and is
3 repealed.

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